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ORIGINAL
Cert. of Interested
Persons
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
SEP 12 2007	
CLERK, U.S. DISTRICT COURT	
By <u>ND</u>	Deputy

CATHEDRAL OF HOPE,

Plaintiff,

v.

FEDEX CORPORATE SERVICES, INC.,

Defendant.

CIVIL ACTION NO. _____

14839

3-07CV1555-D

NOTICE OF REMOVAL

1. This Notice Of Removal is filed by Defendant FedEx Corporate Services, Inc. ("FedEx") pursuant to 28 U.S.C. §§ 1441 and 1446. On August 8, 2007, Plaintiff Cathedral of Hope ("Cathedral") filed Cause No. CC-07-11491-D against FedEx, a Delaware corporation, in the County Court at Law No. 4 of Dallas County, Texas (the "Dallas County Action"). Cathedral served the petition on FedEx on August 13, 2007.

2. Pursuant to 28 U.S.C. § 1446 and Northern District of Texas Local Rule 81.1(3), an index of documents filed in the Dallas County Action is attached hereto (Tab A), as well as a copy of the docket sheet in the Dallas County Action (Tab B), each document filed in the Dallas County Action (Tab C), and a separately signed certificate of interested persons pursuant to Local Rule 81.2 (Tab D).

3. This Notice Of Removal is timely filed within thirty (30) days of the service of the petition. See 28 U.S.C. § 1446(b).

4. This action is a civil action over which this Court has original jurisdiction, due to diversity of citizenship, under 28 U.S.C. § 1332. It may be removed to this Court pursuant to 28 U.S.C. § 1441 because:

a. Upon information and belief, Plaintiff Cathedral is a non-profit Texas corporation with its principal place of business in Dallas County, Texas. Consequently, for purposes of 28 U.S.C. § 1332(c)(1), Plaintiff is a citizen of the State of Texas.

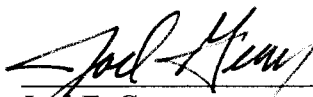
b. Defendant FedEx is a Delaware corporation with its principal place of business in Memphis, Tennessee. Consequently, for purposes of 28 U.S.C. § 1332(c)(1), Defendant is a citizen of the State of Tennessee, and the State of Delaware.

c. As a result of the foregoing, there is complete diversity between the parties.

d. Based on the allegations appearing on the face of the petition, the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

WHEREFORE, premises considered, Defendant FedEx Corporate Services, Inc. requests that the Dallas County Action be removed to this Court and that this Court accept this Notice of Removal for filing in accordance with the provisions of 28 U.S.C. § 1441 *et seq.*

Respectfully submitted,

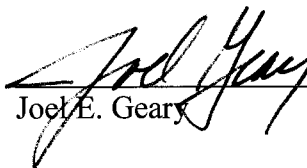


Joel E. Geary
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COUNSEL FOR DEFENDANT
FEDEX CORPORATE SERVICES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Plaintiff Cathedral of Hope's counsel of record, Blake L. Beckham, The Beckman Group, 3400 Carlisle, Suite 550, Dallas, Texas 75204, via certified mail, return receipt requested, on this the 12th day of September, 2007.



Joel E. Geary

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1A

CAUSE NO. CC-07-11491-D

CATHEDRAL OF HOPE,

Plaintiff,

v.

FEDEX CORPORATE SERVICES, INC.,

Defendant.

IN THE COUNTY COURT

AT LAW NO. 4

DALLAS COUNTY, TEXAS

INDEX OF DOCUMENTS FILED IN THE DALLAS COUNTY ACTION

<u>Tab</u>	<u>Date Filed/Issued</u>	<u>Document</u>
1.	08/08/2007	Plaintiff's Original Petition
2.	08/08/2007	Citation
3.	08/17/2007	Return of Service
4.	09/11/2007	Defendant's Original Answer

4005305v1
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/B

JUDGE'S DOCKET,

COUNTY COURT AT LAW NO 4

Action: DEBT NOTE

Filing: 08-08-07

No. 07-11491-D

PARTIES
CATHEDRAL OF HOPEATTORNEYS
BECKHAM BLAKE L
3400 CARLISLE
SUITE 550
DALLAS TX 75204
214 965 9300 02016500

JURY FEE PAID

VS.
FEDEX CORPORATE SERVICES0
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SETTINGS

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CK# 12377
\$225

CAUSE NO. 07-11491-1 FILED

Cathedral of Hope,

Plaintiff,

v.

FedEx Corporate Services, Inc.,

Defendant.

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2007 AUG 8 AM COURT
IN THE COUNTY

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY
COUNTY COURT AT LAW NO. 4

DALLAS COUNTY, TEXAS

CATHEDRAL OF HOPE'S ORIGINAL PETITION

Plaintiff **Cathedral of Hope** ("CoH"), files this, its Original Petition against Defendant FedEx Corporate Services, Inc. ("FedEx").

I. DISCOVERY CONTROL PLAN

1. Discovery shall be conducted under Level 2, pursuant to Rule 190.3 of the TEXAS RULES OF CIVIL PROCEDURE.

II. PARTIES

2. Plaintiff Cathedral of Hope is a Texas non-profit organization duly qualified to conduct business in the State of Texas, with a principal place of business located in Dallas County, Texas.

3. Defendant FedEx is a Delaware Corporation qualified to do business in Texas. FedEx Corporate Services, Inc. may be served through its registered agent CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

III. VENUE AND JURISDICTION

4. This Court has jurisdiction over this matter, as the amount of the dispute is in excess of the minimum jurisdictional limits of this Court. Pursuant to section 15.002(a)(1) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, venue is proper in Dallas County, Texas, because all or a substantial part of the events or omissions giving rise to the claims occurred in Dallas County, Texas.

IV. INTRODUCTION and FACTS

Reclaiming Christianity as a faith of extravagant grace, radical inclusion and relentless compassion.¹

5. Cathedral of Hope ("CoH") espouses these values and proves them over and again in its ministry to the community and its world. With over 3500 members and programs that reach tens of thousands more throughout the United States and across the globe, CoH and its staff work miracles daily in the lives of people who need the compassion only CoH can provide.

6. Perhaps the most amazing thing about CoH is its devotion to radical inclusion. By attending one service the observer will note that the congregation is a place where anyone – anyone – can find a place of acceptance, peace, and a sense of belonging. No matter what the person's beliefs, gender, sexual orientation, social status, mental capabilities, race, color, or creed – all are welcomed and feel welcomed. In a time when there are so many lines dividing peoples and religions, CoH is an oasis in a troubled world.

7. Outside of its walls, CoH provides thousands of meals to the hungry, counseling and medical services to the needy and less fortunate, school supplies and tutorials to the children in its local community, resources to orphanages in Mexico, relief

¹ CoH's values and mission are more fully explained in Exhibit 1.

to the victims of disasters, and is well on its way to building the most amazing Interfaith Peace Chapel the world will ever know in the hopes of promoting peace through acceptance of all. The Interfaith Peace Chapel is the architectural work of the late Phillip Johnson and was proclaimed to be his most exciting endeavor.

8. CoH provides these amazing services by being a careful steward of the gifts it has been blessed with. Just like most non profit organizations it must manage its finances carefully. CoH lives and breathes by the generosity of its members and attendees. Unfortunately, CoH does not have the resources to simply bounce back from unforeseen and unpredictable financial strains. Furthermore, its devoted staff sacrifice daily to provide services for CoH because they choose to work for a non profit organization and forego the advantages of working for a profit driven business. Frankly, the staff gives much of themselves for little financial return-- yet enormous intrinsic benefits.

FedEx proclaims itself as "Socially Responsible" and apparently espousing the same values as CoH – but does it really?

9. Interestingly, FedEx and CoH espouse many of the same values – at least on paper. FedEx claims to be socially responsible, one of the best charity minded organizations in America, a champion of the environment, a major donor for civil rights organizations and educational funds, and highly committed to diversity in the workplace – including those with different sexual orientations.

10. Recently, CoH has found the exact opposite to be true. FedEx committed not only negligence – but gross negligence in its service to CoH and it is not interested in what is right or even fair – it is interested in its **bottom line** – at the financial and emotional expense of CoH and its devoted staff. The story to follow is not only shocking, but truly disappointing in light of the values FedEx proclaims to the world.

FedEx negligently delivers to a complete stranger over \$40,000 in CoH payroll and personal bank account information, addresses, driver's license numbers, and social security numbers

11. In October of 2006 FedEx created a nightmare for CoH that still haunts it and its employees today. As normal, FedEx employees delivered payroll and payroll information to CoH on the designated pay day. The FedEx employee, who regularly delivered the payroll package to CoH and knew the procedure followed by CoH for delivery of the same, casually drove onto the parking lot of CoH. A person in an unidentified automobile pulled up in the parking lot near the FedEx employee and approached the delivery person.

12. Without so much as a question about identity, a check to see that an employee inside the CoH property was available to accept the package, or the slightest pause or reluctance FedEx handed over more than \$40,000 in pay roll, confidential, personal, and private information of CoH and its employees – including full names, addresses, bank account numbers, drivers license numbers, and social security numbers. Upon discovering the negligence of FedEx, CoH made a feverish dash to save itself and its employees from the inevitable – but it was too late.

13. The thief had already cashed pay roll checks, opened new bank accounts in employee names and put these accounts into over draft, stolen identities, opened charge accounts, and – unbelievably – forged a driver's license using the Sr. Pastor's driver's license and simply replacing her picture with his. These activities began a snow ball effect of disasters for CoH and its employees. To this day, the ill effects of FedEx's gross negligence continue to haunt CoH.

14. Rather obviously, there were significant expenses related to this fiasco that included the purchase of identity theft insurance, replacement of the pay roll,

reimbursement of the expenses of employees for over drafts, late charges, and fees associated new bank accounts, charge accounts, and banking difficulties. While these expenses were significant, they pale in comparison to the value of the time lost by CoH in having to constantly deal with the cause and effect of FedEx's negligence. Lost employee time, administrative time, leadership time, and employee absences caused CoH monetary damages in the thousands of dollars – all at a time when it was preparing its ministry and its staff for the most demanding social service times of the year – Thanksgiving and Christmas.

15. The only fortunate event during this entire debacle was the fact that CoH had prudently placed video monitoring cameras in its parking lot and caught the acts of FedEx on video tape. This tape makes it clear that FedEx committed acts that are nothing short of gross negligence – a complete and total disregard for the rights of CoH and its responsibilities to CoH. The simplest task of taking ten extra steps from the delivery vehicle to the front door of CoH would have prevented this nightmare. Even the slightest care in thought in recognizing the thief as a person to whom the payroll had never been delivered would have saved CoH from the misery it has endured for the last several months.

16. It is interesting to note that FedEx itself has recognized the gravity of its negligence, as it immediately fired the employee that delivered disaster to CoH.

CoH practices its mission of extravagant grace with FedEx – but to no avail.

17. In an attempt to “practice what it preaches” CoH has made every effort to come to an amicable and peaceful solution with FedEx. However, FedEx is interested in only its bottom line. In fact, FedEx's responses to CoH have been nothing more than insulting. Liability in this case being clear, the lives of many devoted non profit

employees being twisted in chaos during the holiday season, a church seeking only to be made whole so it can service its community in a manner consistent with its mission, FedEx chooses to take the low road. It is difficult for CoH and its employees to read FedEx's website link called "Socially Responsible" that links readers to its charitable donations, its commitment to serving its community, and its program to promote diversity without the bitter taste of hypocrisy. However, that's where this road leads – a corporate giant lifting itself up to be socially responsible, advertising its seemingly "hand picked" honors, yet when it comes down to being truly socially responsible and doing the right thing FedEx falls glaringly short.

18. As Albert Einstein once said with regard to social responsibility: "concern for man and his fate must always be the chief concern of all endeavors...never forget this in the midst of your diagrams and equations." FedEx has gotten lost in the midst of their diagrams and bottom line equations – hoping to flick away this fly of a nuisance called CoH.

V. CAUSES OF ACTION

Negligence and Gross Negligence

19. CoH incorporates by reference paragraphs 1-17 above.

20. FedEx owed a duty to CoH to deliver its payroll and confidential information to it, rather than a complete stranger. The risk associated with this event was certainly foreseeable. A special relationship between FedEx and CoH existed because of CoH's third party beneficiary status to a contract FedEx was obligated to perform. FedEx breached its duty to CoH. This breach has proximately caused significant damages to CoH. Accordingly, CoH sues for recovery of these damages.

Breach of Contract – Third Party Beneficiary

21. CoH incorporates by reference paragraphs 1-17 above.

22. Texas Courts recognize that a stranger to a contract has standing as a third party beneficiary when the party is a creditor beneficiary. *MJR Corp. v. B & B Vending Co.*, 760 S.W.2d 4, 11 (Tex. App.—Dallas 1988, no writ). A creditor beneficiary may be defined “as a third person to whom the bargain-seeking party (the ‘promisee’ or contract party exacting the particular stipulation) has an indebtedness, contractual obligation, or other legally enforceable commitment to the third party which commitment the bargain-seeker wishes to discharge or protect by stipulating that the bargain-giver (the opposing contract party or ‘promisor’ concerning the particular stipulation) shall deliver a contract performance to the third party.” *Id.* Put more simply, where the bargain-giver has promised a performance which will discharge or protect an obligation running from bargain-seeker to the third party, recovery has been allowed. *Id.* at 25.

23. Here FedEx had a contract with CoH’s payroll company to deliver CoH’s pay roll in order to discharge its contractual duties running to CoH. CoH was clearly a third party beneficiary to that contract. The enforceable contract existed in the form of the AirBill between FedEx and CoH’s pay roll company. All conditions precedent to the performance of that contract were performed or waived. FedEx was obligated by that contract to deliver to CoH the pay roll package. FedEx breached its obligations by failing to deliver the package to CoH, but rather delivered it to a complete stranger and thief.

24. CoH has been damaged by FedEx’s breach and sues for recovery of damages that resulted from the breach.

Attorney Fees

25. Pursuant to Chapter 38 of the Texas Civil Practices and Remedies Code, CoH is entitled to recover its reasonable and necessary attorneys' fees. CoH therefore requests attorneys' fees for the preparation and pursuit of this action, any appeal to the Court of Appeals, and any appeal to the Supreme Court, including the preparation of any petition for review, and subsequent fees incurred thereafter if the petition is granted. Additionally, CoH requests its attorney fees and costs pursuant to Texas Supreme Court Authority allowing for the recovery of attorney fees by a third party beneficiary to a contract.

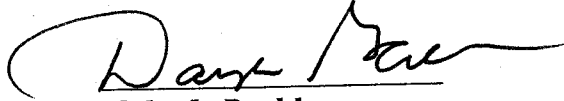
VI. PRAYER

26. **WHEREFORE, PREMISES CONSIDERED,** CoH respectfully requests that FedEx be cited to appear and answer herein, as required by law, and that CoH have the following relief:

- (a) All damages in the amount determined to have been sustained by CoH;
- (b) Attorneys fees reasonably incurred and not less than \$170,000;
- (c) Pre- and Post-Judgment Interest;
- (d) Costs of this lawsuit, including experts' fees, and other disbursements; and
- (e) Such other and further relief, at law or in equity, to which CoH shows itself to be justly entitled.

DATED: 8/8, 2007.

Respectfully submitted,



Blake L. Beckham

State Bar No. 02016500

Daylen K. Gallman

State Bar No. 24040944

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ATTORNEYS FOR PLAINTIFF

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EXHIBIT 1



Home	Worship	Connect	Events	News	Devotions	FAQs
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[MyCoH](#)
[Ministries](#)
[Outreach](#)
[Support](#)
[Bookstore](#)
[About Us](#)
[Miracle Project](#)


Our Values

[CONTACT A PASTOR](#)
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[Receive the Weekly News](#)
[This Week @ the Cathedral](#)

The Dream

In 1987, Rev. Michael S. Piazza, newly elected pastor of Metropolitan Community Church of Dallas, attempted to interview every single member of the small church, which had grown from a circle of twelve friends to about 300 members. He asked everyone what they thought God was calling this church to be. Then, Rev. Piazza and the Board of Directors went on a retreat where they spent two days talking about the vision and the future of the church.

One thing Rev. Piazza had heard over and over in his interviews was that people believed they were called to be a big church, one big enough:

- To change how the world thinks about lesbian and gay people;
- To change how lesbian and gay people think about God;
- To reach people, especially teens living in isolation in small towns; and
- To redefine Christianity as an including faith rather than an excluding religion.

In short, this small church dreamed of being big enough to be a cathedral that could offer hope to people everywhere. These "dreamers" recognized that hope may be fragile and frail, but just a bit of it can change the world – at least it can change our world. It was out of this dream that the Cathedral of Hope was born.

Mission Statement

A philosophical or value statement that seeks to respond to the why of the organization's existence. A mission statement should be outcome-oriented, describing what will be accomplished. It should be succinct and easily memorable. It must have an active verb, not a form of "be." For a church, it must lead the congregation beyond itself and arise from a passion to follow God.

The Mission of the Cathedral of Hope is to reclaim Christianity as a faith of extravagant grace, radical inclusion and relentless compassion.

Vision Statement

A Vision Statement is intended to paint a picture of the ideal organization in the future. It is the church we hope and strive to be. While it reflects the reasons and purpose for an organization's existence, and the ideal state the organization aims to achieve, it is not the same as the church's Mission Statement or Values Statement (Core Values). It is, however, best voiced when we are clear about our mission and core values.

The Vision of the Cathedral of Hope is to be a community of hope proclaiming God's inclusive love, removing barriers to faith, and empowering all people to grow in grace toward wholeness.

Core Values

An organization's Core Values identifies four to seven values, that is, qualities that tell us how we go about our mission. These values reflect behaviors that are either presently valued in our church life or need to be valued.

At the Cathedral of Hope, every member is a minister of the church. We believe we are here to serve, not to be served. To that end, we embrace five core values.

The Core Values of the Cathedral of Hope are Compassion, Inclusion, Liberation, Hope and Faith in Jesus.

We are a people of Compassion. We are ministers who embody the tangible love of a savior who fed the hungry, healed the hurting, and told us bluntly that what we did to the least we did to him.

We are a people of Inclusion. This is a value Jesus held. We believe Jesus came to include, not to exclude. All are welcome around God's table.

We are a people of Liberation. We seek to challenge all oppression, particularly the oppression of queer people. By embodying grace we live out our liberation until all are set free.

We are a people of Hope. We are people filled with joy and unrelenting optimism because we believe God is good. With God, all things are possible. God can use us to transform the world.

We are a people of Jesus. We believe Jesus was the incarnation of God's grace. Jesus was the ultimate liberal, who resisted the status quo of oppression and showed us the way to the abundant life God intends for all people.

Paradigms

A paradigm is a general conception, model or "worldview" based on our Vision, Mission, and Core Values that defines the way we think and act. It establishes how we see things and do things. The Cathedral of Hope subscribes to the following six paradigms:

We are a Cathedral. Our community needs spiritual centers to which they may look for guidance, resources and inspiration. We are called to be a large urban church that has extra resources to share with people in more rural areas. Our outreach extends to lesbians, gays and other excluded people.

Our priorities are Cell & Celebration. We are a church large enough to change the world, but small enough to care for an individual. Our mission cannot be fulfilled until every person who feels excluded from the family of God receives an antidote to that poisonous lie. While tackling that ministry, we must also be sure that each of our members is cared for.

We are a liberal Christian Church. By that we mean that we willingly embrace such traditionally liberal values as helping and advocating for the poor, valuing the environment and recognizing as sinful such oppressive attitudes as sexism, ageism, racism and homophobia.

Caring for those who are hurting or in need is the chief expression of what it means to be a disciple of Jesus Christ. Caring for others is the soul of who we are. It keeps us from being consumed with ourselves. It is the antidote for the toxic effects of the materialism that is consuming our society. In a hurting and hopeless world, Celebration is vital to health. People need to celebrate to keep hope alive. In an age of AIDS, nothing is more damaging than hopelessness.

We believe God's will for us is health, wholeness and holiness. Growing to fulfill that will is our responsibility as disciples, and helping others to grow toward wholeness is an expression of Christian caring. For us, salvation is a Divine expression of redeeming love for every part of our lives.

We strive to empower every member to be a minister. We believe that every member is gifted. The role of the clergy and staff is to equip people for ministry. The pastors minister, but they are not THE ministers. All God's people are ministers. We are all producers, not just consumers, of faith.

The 8 Points of Progressive Christianity

The Cathedral of Hope is a member of the Center for Progressive Christianity. By calling ourselves progressive, we mean that we are Christians who:

1. Have found an approach to God through the life and teachings of Jesus;
2. Recognize the faithfulness of other people who have other names for the way to God's realm, and acknowledge that their ways are true for them, as our ways are true for us;
3. Understand the sharing of bread and wine in Jesus' name to be a representation of an ancient vision of God's feast for all peoples;
4. Invite all people to participate in our community and worship life without insisting that they become like us in order to be acceptable (including but not limited to):
 - believers and agnostics,
 - conventional Christians and questioning skeptics,
 - women and men,
 - those of all sexual orientations and gender identities,
 - those of all races and cultures,
 - those of all classes and abilities,
 - those who hope for a better world and those who have lost hope;
5. Know that the way we behave toward one another and toward other people is the fullest expression of what we believe;
6. Find more grace in the search for understanding than we do in dogmatic certainty - more value in questioning than in absolutes;
7. Form ourselves into communities dedicated to equipping one another for the work we feel called to do: striving for peace and justice among all people, protecting and restoring the integrity of all God's creation, and bringing hope to those Jesus called the least of his sisters and brothers; and
8. Recognize that being followers of Jesus is costly, and entails selfless love, conscientious resistance to evil, and renunciation of privilege.

"The 8 Points" (version 2003) The Center for Progressive Christianity - www.tcpc.org

Male and Female God Created Them**Inclusive Language**

At Cathedral of Hope, we believe language is a tool that not only describes reality but also shapes it. For this reason, we try to be deliberate in the words we use to talk about our reality. This can be difficult since most of us don't often think about how our words can hurt others. It's not just racist slurs or slanderous speech to which we are referring. It also applies to many cherished expressions and other parts of our spiritual formation. For example, many of us in the church grew up singing old hymns like "Rise Up O Men of God", "Dear Lord and Father of Mankind", "Faith of Our Fathers" and others.

These were the hymns of our spirituality and of our childhood. The problem is that they are no more appropriate for us today than are the racist chants of the Ku Klux Klan or the homophobic rhetoric of the Moral Majority.

They are unacceptable because exclusive language is sinful. Sexism is as evil as the bigotry of racism, classism or ageism.

They are unacceptable because those songs exclude at least half of the population of the world. Women will never be "men of God," and they should not be made to feel inferior because they are not.

Sexist language in songs or prayers, or any part of worship, is unacceptable because it says something about God that is not true and that is unbiblical. God is not a "man." That is obvious, but neither is God exclusively male. The Bible is filled with feminine images of God that have been almost entirely ignored. To speak of our experience of God as only male is to miss the God of the Hebrews and of Jesus.

Exclusive language is also unacceptable because it says something about us as persons that is not true. Sexism cuts us off from our feminine side as if it were weak or inferior. This is a block to emotional and spiritual integration and wholeness. Psychologist Carl Jung wrote quite extensively about the "bothness" of human beings. He contended that the more fully a person was aware of and had integrated both sides of their being, the more emotionally healthy they were. It might also be said that the more we are able to integrate both parts of ourselves, the closer we draw to the image and likeness of God in which we were created.

You may recall that, in Genesis, we are told that when God comes to the creation of humans, the language becomes plural: "Let us make humans in our image...male and female God created them." It is apparent from this that both masculinity and femininity were parts of the image and likeness of God. As we integrate both in our selves, we draw closer to the image and likeness that were God's original intention.

Inclusive language is not simply an issue of gender, and it is not just a woman's issue. The issue is sin and the resulting brokenness. We must be alert so that our language does not perpetuate the sin of excluding people, misrepresenting God and increasing our own internal estrangement.

An Inclusive Church

The richness of Cathedral of Hope is that we seek to be a truly inclusive church. We believe that God so loved the world, and we try in every way to consistently reflect that belief.

Gender exclusive language, like racist language, impoverishes us all. If the entire membership of Cathedral of Hope was male, we would still use inclusive language for the following reasons: The Gospel of Jesus Christ is inclusive. That is truly the heart of the matter. Our feminine side is as divine (God-like) as our masculine side. God is historically, theologically and experientially both masculine and feminine, and we will not be robbed of knowing the fullness of God. Fencing people out or implying that they are inferior with our words is sinful and unchristian.

A Positive Expansion

Our position on inclusive language is not a reaction to pressure or in any way a limitation. Rather, it is a positive expansion.

We are expanding the way we talk about God in the hope that we may also expand our experience of God. We are also expanding our language about ourselves as an attempt to open ourselves more fully to the complete redemption offered by God's inclusive love.

By following these guidelines, we, as a church, are better able to draw people in, rather than fence people out. We never use exclusively masculine or feminine terms to refer to human beings. When we are talking about people in general, we do not say man, mankind, brothers, brotherhood, etc. Similarly, we ought not to presume a person's gender because of stereotypes (e.g. farmers aren't always "he" or nurses always "she").

It is our goal to always attempt to present a balanced picture of God. Yes, God is our Father, but God is also our Mother who birthed creation and who nurses us still (Isaiah 42:14; 46:3-4; 49:15). For many centuries, we have referred to God in exclusively masculine terms. We need to make extraordinary efforts not to reinforce the image that is so strong that it has warped our total experience of God. If we refer to God in masculine terms, we must then be equally willing to speak of God's femininity. It may be more helpful to avoid, as much as possible, all anthropomorphic (human-like) references to God.

Historically, Jesus was biologically male, but the preexistent and resurrected One is beyond limited human labels such as gender. As much as possible, we seek to use inclusive language in our conversations, in the songs we sing, in our liturgy and in any publications. It is our goal to live out with integrity the truth that the Gospel is equally inclusive of all people. God is neither a man nor a woman. When we speak of Jesus, we ought to be aware that there is a difference between the human Jesus and the divine Christ. Again, just as every person is both masculine and feminine, so too Jesus embodies all that is human.

Our language should reflect our faith in positive ways so that all may believe God's love includes them equally. About this we must have integrity.

Inclusive language is not just about gender issues, either. One favorite song of many churches is "They Will Know We Are Christians by Our Love." One day a member of the congregation asked if we might not change one verse of the song which says "We will walk with each other; we will walk hand in hand..." You see this person was a quadriplegic and could not walk with us but was more than happy to "go" with us. We were glad to change the words because we meant the words "They will know we are Christians by our love."

Inclusivity is new for some of us, and old patterns take time to change. But we're trying, and we thank you for your patience as we continue to grow in our understanding of God and ourselves. Sometimes growth is awkward and even painful. God is leading our church onward and new ground is often a bit rough. God is leading us forward in love, and together we will make it to the promised land where ALL of us are equally included.

Above all else, let us remember the words of an old hymn we still sing every now and then, "Beyond the sacred page we seek thee, God."

Cathedral of Hope | P. O. Box 35466 | 5910 Cedar Springs Rd. | Dallas, TX 75235
Local: 214-351-1901 | Toll FREE: 800-501-HOPE (4673)
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THE BECKHAM ~~FILE~~ GROUP

2007 AUG 8 PM 3:06
TRIAL LAW

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

August 8, 2007

VIA HAND DELIVERY

Attn: Clerk of the Court
Dallas County Clerk
County Courts at Law Courthouse
Dallas County Records Building
500 Main Street
Dallas, Texas 75202

Re: Cathedral of Hope v. FedEx Corporate Services, Inc.; In the County Court at Law; Dallas County

Dear Sir or Madam:

Please find enclosed original and (4) copies of Cathedral of Hope's Original Petition in the above-referenced matter.

Please file the papers with the court and return the filed-stamped copies with the awaiting courier.

Also enclosed is our firm's check in the amount of \$225.00 for the filing fee and the issuance of the Citation for the Defendant, FedEx Corporate Services, Inc. Please prepare the citation and contact our office once it is ready and we will arrange for the service.

Please do not hesitate to contact me should you have any questions or need any additional information. Thank you for your cooperation.

Very truly yours,

Cynthia D. Navarro, Paralegal
to Daylen Gallman

Enclosures

I:\Cathedral of Hope pro bono\correspondence\Clerk 08-08-07.doc

3400 Carlisle
Suite 550
Dallas, Texas 75204
Phone: 214 965 9300

12

CAUSE NO. CC-07-11491-D
COUNTY COURT OF DALLAS COUNTY AT LAW NO. 4

DALLAS COUNTY, TEXAS

TO: FEDEX CORPORATE SERVICES, INC.,
SERVE: CT CORPORATION SYSTEM, REG., AGENT,
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201



CAUSE NO. CC-07-11491-D

CATHEDRAL OF HOPE

VS.

FEDEX CORPORATE SERVICES

"YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU." YOUR ANSWER SHOULD BE ADDRESSED TO THE CLERK OF COUNTY COURT AT LAW NO. 4, OF DALLAS COUNTY, TEXAS, AT THE COURT HOUSE OF SAID COUNTY IN DALLAS, TEXAS 75202.

PLAINTIFF
CATHEDRAL OF HOPE

VS
FEDEX CORPORATE SERVICES

FENDANT, FILED IN SAID COURT ON THE 8TH DAY OF AUGUST A.D. 2007,
A COPY OF WHICH ACCOMPANIES THIS CITATION.

WITNESS: JOHN WARREN, CLERK OF THE COUNTY COURTS OF DALLAS COUNTY,
TEXAS. GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT DALLAS, TEXAS,
AND ISSUED THIS
8TH DAY OF AUGUST A.D. 2007.

JOHN WARREN, CLERK
COUNTY COURT, DALLAS COUNTY TEXAS
DALLAS COUNTY AT LAW NO. 4,

BY FANNITTA FLORES PV, DEPUTY

NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

FEDEX CORPORATE SERVICES, INC.,
SERVE: CT CORPORATION SYSTEM, REG., A
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201

ATTORNEY FOR BLAKE L. BECKHAM
PLAINTIFF
ADDRESS 3400 CARLISLE
SUITE 550
DALLAS TX 75204
(214) 965-9300

13

CAUSE NO. CC-07-11491-D
COUNTY COURT OF DALLAS COUNTY AT LAW NO. 4

DALLAS COUNTY, TEXAS

TO: FEDEX CORPORATE SERVICES, INC.,
SERVE: CT CORPORATION SYSTEM, REG., AGENT,
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201



CAUSE NO. CC-07-11491-D

CATHEDRAL OF HOPE

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AND ISSUED THIS
8TH DAY OF AUGUST A.D. 2007.

JOHN WARREN, CLERK
COUNTY COURT, DALLAS COUNTY TEXAS
DALLAS COUNTY AT LAW NO. 4,

BY FANNITTA FLORES, DEPUTY

NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

2007 AUG 17 AM 10:20

CITATION

FEDEX CORPORATE SERVICES, INC.,
SERVE: CT CORPORATION SYSTEM, REG., AGENT,
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201

ATTORNEY FOR BLAKE L BECKHAM
PLAINTIFF
ADDRESS
3400 CARLISLE
SUITE 550
DALLAS TX 75204
(214) 965-9300

OFFICER'S RETURN

CAME TO HAND ON THE _____ DAY OF _____ A.D. 20_____, AT _____
_____ O'CLOCK _____ M., AND EXECUTED DELIVERING TO

**** SEE ATTACHED ****
***** AFFIDAVIT *****

ON THE _____ DAY OF _____ A.D. 20_____, AT _____ O'CLOCK _____ M.,
THE WITHIN NAMED DEFENDANT, IN PERSON, A TRUE COPY OF THIS CITATION, TOGETHER WITH A
COPY OF ORIGINAL PETITION WITH DATE OF SERVICE MARKED THEREON.

FEES:

SERVING _____ \$ _____ COUNTY, TEXAS.

MILEAGE _____ \$ _____

NOTARY _____ \$ _____ DEPUTY

TOTAL \$ _____

**** SEE ATTACHED ****
***** AFFIDAVIT *****

(MUST BE VERIFIED IF SERVED OUTSIDE THE STATE OF TEXAS, OR IF SERVED IN TEXAS BY
ANYONE OTHER THAN A SHERIFF OR CONSTABLE).

SIGNED AND SWORN TO BY THE SAID _____

BEFORE ME THIS _____ DAY OF _____ 20_____, TO CERTIFY

WHICH WITNESS MY HAND AND SEAL OF OFFICE

**** SEE ATTACHED ****
***** AFFIDAVIT *****

NOTARY PUBLIC _____ COUNTY _____

CAUSE NO. CC-07-11491-D

CATHEDRAL OF HOPE

Plaintiff(s),

VS.

FEDEX CORPORATE SERVICES, INC.

Defendant(s).

§
§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 4

DALLAS COUNTY, TEXAS

AFFIDAVIT OF SERVICE

Came to hand on **Friday, August 10, 2007 at 2:51 PM,**
Executed at: **350 NORTH ST. PAUL STREET, SUTE 2900, DALLAS, TEXAS 75201**
within the county of **DALLAS** at **1:55 PM, on Monday, August 13, 2007,**
by delivering to the within named:

FEDEX CORPORATE SERVICES, INC.

By delivering to its' **Registered Agent, CT CORPORATION SYSTEM**
By delivering to its' **Authorized Agent, AMBER CARROUTH**
Each, in person a true copy of this

CITATION, CATHERDAL OF HOPE'S ORIGINAL PETITION, AND EXHIBIT 1


having first endorsed thereon the date of the delivery.

BEFORE ME, the undersigned authority, on this day personally appeared **Adil Tadli** who after being duly sworn on oath states: "My name is **Adil Tadli**. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I am familiar with the Texas Rules of Civil Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

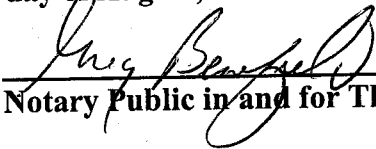
Adil Tadli

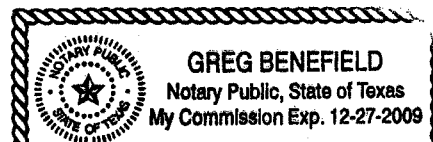
Of: **Dallas County**

By:


Authorized Person - SC1206

Given under my hand and seal of office on this 16TH day of August, 2007.


Notary Public in and for The State of Texas





CAUSE NO. CC-07-11491-D

CATHEDRAL OF HOPE,

Plaintiff,

v.

FEDEX CORPORATE SERVICES, INC.,

Defendant.

IN THE COUNTY COURT

AT LAW NO. 4

DALLAS COUNTY, TEXAS

2007 SEP 11 PM 2:09
CLERK WARREN
COUNTY CLERK
DALLAS COUNTY

DEFENDANT FEDEX CORPORATE SERVICES, INC.'S ORIGINAL ANSWER

Defendant FedEx Corporate Services, Inc. ("FedEx" or "Defendant") files this Original Answer to Plaintiff's Original Petition and responds as follows:

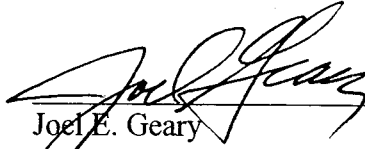
GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant FedEx denies each and every, all and singular, allegation contained in Plaintiff's Original Petition and respectfully requests that the Court require Plaintiff to prove its cause of action and any and all amendments thereto, by a preponderance of the evidence, as is required by the Texas Rules of Civil Procedure.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant FedEx Corporate Services, Inc. prays that Plaintiff take nothing by its Original Petition and that Defendant have judgment for its costs, and for such other and further relief, both general and special, at law or in equity, to which it may show itself to be justly entitled.

Respectfully submitted,

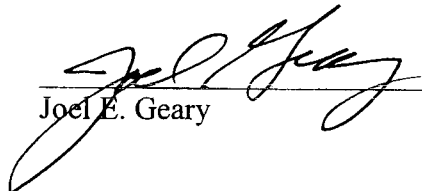


Joel E. Geary
State Bar No. 24002129
BROWN MCCARROLL, L.L.P.
2000 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201
(214) 999-6100
(214) 999-6170 – facsimile
jgeary@mailbmc.com

COUNSEL FOR DEFENDANT
FEDEX CORPORATE SERVICES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was delivered to all counsel of record in accordance with the Texas Rules of Civil Procedure on this the 11th day of September, 2007.



Joel E. Geary

4005208v1
1.215

~~D~~

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CATHEDRAL OF HOPE,

Plaintiff,

v.

CIVIL ACTION NO. _____

FEDEX CORPORATE SERVICES, INC.,

Defendant.

**DEFENDANT FEDEX CORPORATE SERVICES, INC.'S
CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Northern District of Texas Local Rule 7.4, Defendant FedEx Corporate Services, Inc. submits the following list of persons and entities who, upon information and belief, are financially interested in the outcome of the above-captioned action:

1. Cathedral of Hope
Plaintiff
2. FedEx Corporate Services, Inc.
Defendant
3. FedEx Corporation
Defendant's Parent Corporation

Respectfully submitted,



Joel E. Geary

State Bar No. 24002129

BROWN MCCARROLL, L.L.P.

2001 Ross Avenue, Suite 2000

Dallas, Texas 75201

(214) 999-6100

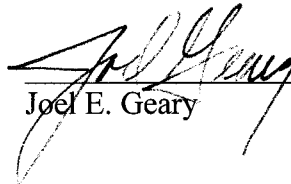
(214) 999-6170 – facsimile

jgeary@mailbmc.com

COUNSEL FOR DEFENDANT
FEDEX CORPORATE SERVICES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Plaintiff Cathedral of Hope's counsel of record, Blake L. Beckham, The Beckman Group, 3400 Carlisle, Suite 550, Dallas, Texas 75204, via certified mail, return receipt requested, on this the 12th day of September, 2007.



Joel E. Geary

4005336v1
56052.1

CIVIL COVER SHEET

I. (a) PLAINTIFFS

Cathedral of Hope

DEFENDANTS

FedEx Corporate Services, Inc.

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Dallas County, Texas

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Shelby County, Tennessee

(c) Attorney's (Firm Name, Address, and Telephone Number)

Blake L. Beckham, The Beckham Group, 3400
Dallas, Texas 75204, 214-965-9300

Clerk, U.S. District Court (If Known)

NORTHERN DISTRICT OF TEXAS
Dallas, Texas 75201, 214-999-6100

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause: 28 USC 1441 & 1446; Petitioner alleges breach of contract-third party beneficiary, negligence...

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) PENDING OR CLOSED

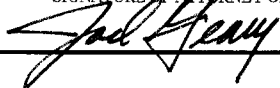
(See instructions): JUDGE

DOCKET NUMBER

DATE

September 12, 2007

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference cases that are related to this filing, if any. **If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases.** A case is "related" to this filing if the case: (1) involves some or all of the same parties and is based on the same or similar claim; (2) involves the same property, transaction, or event; (3) involves substantially similar issues of law and fact; and/or (4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.